

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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STATE DEVELOPMENT AND  
INVESTMENT COMPANY ZHONGLU  
FRUIT JUICE CO., LTD.,

Civil No. 14-512 (NLH/AMD)

Plaintiff,

**ORDER**

v.

HAISHENG INTERNATIONAL, INC.,

Defendant.

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**APPEARANCES:**

CRAIG R. TRACTENBERG  
NIXON PEABODY, LLP  
437 MADISON AVENUE  
NEW YORK, NY 10022-7001  
*On behalf of plaintiff*

MATTHEW SEAN INGLES  
JAMES H. MCQUADE (pro hac vice)  
ORRICK HERRINGTON & SUTCLIFFE LLP  
51 WEST 52ND STREET  
NEW YORK, NEW YORK 10019-6142  
*On behalf of defendant*

**HILLMAN, District Judge**

This matter having come before the Court on the motion of defendant Haisheng International, Inc. to dismiss the complaint filed against it by plaintiff State Development and Investment Company Zhonglu Fruit Juice Co., Ltd. ("SDICZL"); and

SDICZL claiming that Haisheng has misappropriated its trade secrets and confidential business information regarding an illegal knock-off of SDICZL's specially manufactured sweet

potato juice concentrate that is a critical and key component of Campbell Soup's V8 V-Fusion product; and

Haisheng moving to dismiss SDICZL's complaint on several bases; but

During the pendency of Haisheng's motion, SDICZL having filed a motion for leave to file an amended complaint; and

The Court finding that the sufficiency of SDICZL's claims against Haisheng should be considered in the context of evaluating SDICZL's proposed first amended complaint, see Massarsky v. General Motors Corp., 706 F.2d 111, 125 (3d Cir. 1983) ("The trial court may properly deny leave to amend where the amendment would not withstand a motion to dismiss.");

Accordingly,

IT IS on this 24th day of November 2014,

ORDERED that defendant's motion to dismiss plaintiff's complaint [13] is DENIED WITHOUT PREJUDICE.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.